

### **REMARKS**

Applicant would like to thank the Examiner for the detailed remarks.

Claims 15, 20-21 and 27 have been amended. Claims 13-14 and 26 are withdrawn.

Claims 1-9, 15-18, 20-25 and 27-29 are pending in this application.

The Examiner has withdrawn claims 13-14 and 26 as being drawn to the embodiment of Species II wherein a metal tube is received by a plastic manifold. Applicant has therefore indicated these claims as being withdrawn.

The drawings are objected to under 37 CFR 1.83(a) for not illustrating “wherein the at least one notch includes a first notch, and a second notch diametrically opposed to the first notch” as recited in claim 27. Respectfully, Figure 1 illustrates a cross section of fluid connection assembly 10, and Figure 2 illustrates a perspective view of the fluid connection assembly 10. As shown in Figure 2, the assembly 10 includes locating features 26, 30, which may be notches (see page 3, lines 27-28). As shown in Figure 1, the assembly 10 includes locating features 26, 30 (see reference numeral and arrows) and also includes diametrically opposed locating features (see locating features located opposite the numerals 26, 30 and located in proximity to reference numeral 16). Accordingly, Applicant respectfully requests that the objection be withdrawn.

Claim 15 is objected to for reciting “step” instead of “steps” in the preamble. Applicant has amended the preamble of claim 15 to recite “steps.” Accordingly, Applicant respectfully requests that the objection of claim 15 be withdrawn.

The Examiner objected to claim 21 as being dependent upon a rejected base claim, but indicated that this claim would be allowable if rewritten in independent form. Applicant has therefore rewritten claim 21 to be in independent form to include all of the limitations of the base claim 1 and any intervening claims. Accordingly, Applicant respectfully requests that the objection of claim 21 be withdrawn.

#### **1) Rejection under 35 U.S.C. §112, second paragraph**

Claims 20 and 27 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claim 20, Applicant has amended the claim to recite that “said at least one locating feature includes a first locating feature formed on said fluid port and a second locating

formed on said tube.” Applicant believes that this amendment should resolve the Examiner’s §112 rejection, and therefore Applicant respectfully requests that the §112 rejection of claim 20 be withdrawn.

Regarding claim 27, Applicant has amended the claim to recite “two diametrically opposed first notches and two diametrically opposed second notches.” Applicant believes that this amendment should resolve the Examiner’s §112 rejection, and therefore Applicant respectfully requests that the §112 rejection of claim 27 be withdrawn.

## 2) Rejections under 35 U.S.C. §103(a)

Claims 1-9, 15-18, 20, 22-25 and 27-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over McDonald (US 2,195,492) in view of Bawa (US 3,747,960). The Examiner interprets the recesses 13 of McDonald as the claimed locating feature and interprets the coupling sleeve handle “C” of McDonald as the claimed “retainer.” However, claim 1 requires that “the at least one notch receives a portion of the retainer to prevent relative rotation” and claim 15 requires “preventing rotation... by flowing a material into the first notch and the second notch.” McDonald does not disclose that sleeve handle C is received into the recesses 13 of McDonald, as evidenced by the fact that rotational movement of the handle C is explicitly permitted (see McDonald column 2, lines 8-10). Thus, McDonald explicitly teaches away from preventing rotation, and it would therefore not be obvious to modify McDonald to include a rotational prevention feature. Accordingly, Applicant respectfully requests that the rejection independent claims 1 and 15 and dependent claims 2-9, 16-18, 20 and 22-25 and 27-29 be withdrawn.

Additionally, the Examiner relies on Bawa for the claimed feature of “a tube made of a second material dissimilar to the first material.” Respectfully, the cited portion of Bawa (column 3, lines 35-41 and 43-50) discloses that “[t]he body member 22 and the gland nut 36 may each be formed of either metallic material... or of a suitable plastic material...” Thus, in Bawa the body member 22 and gland nut 36 are made of the same material, not dissimilar materials. Bawa does not disclose that one of the body member 22 and gland nut 36 is plastic and the other is metal. Accordingly, the rejection does not establish prima facie obviousness, and for this additional reason Applicant respectfully requests that the rejection of independent claims 1 and 15 and dependent claims 2-9, 16-18, 20 and 22-25 and 27-29 be withdrawn.

Further, the stated reasoning for combining McDonald and Bawa is that “it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.” This reasoning is conclusory, as the rejection does not explain why one of ordinary skill in the art would want to use dissimilar materials, and does not explain what the intended use is that would benefit from dissimilar materials. For this additional reason, Applicant respectfully requests that the rejection of independent claims 1 and 15 and dependent claims 2-9, 16-18, 20 and 22-25 and 27-29 be withdrawn.

The Commissioner is authorized to charge fees in the amount of \$220 to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for the conversion of claim 21 to an independent claim in excess of three independent claims. Applicant believes that no additional fees are necessary, but the Commissioner is authorized to charge the same deposit account for any additional fees or credit the account for any overpayment.

Respectfully submitted,

/Timothy C. Bradley/  
Timothy C. Bradley, Reg. No. 59,497  
Carlson, Gaskey & Olds  
400 W. Maple Road, Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

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